

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANK OF AMERICA, N.A.,

Case No. 2:16-cv-00274-APG-PAL

Plaintiff,

ORDER

v.

(Mot Lift Stay and Re-Set SC – ECF No. 44)

VIA VALENCIA/VIA VENTURA
HOMEOWNERS ASSOCIATION, et al.,

Defendants.

Before the court is Defendant Saticoy Bay LLC Series 9732 Mount Cupertino's ("Saticoy Bay") Motion to Vacate Stay and Re-Set Settlement Conference (ECF No. 44). The court has reviewed the Motion, Plaintiff/Counter Defendant Bank of America, N.A.'s ("BANA") Response (ECF No. 46), and Cross-Defendant Via Valencia/Via Ventura Homeowners Association's ("HOA") Response (ECF No. 47).

On July 1, 2016, the undersigned entered an Order (ECF No. 36) granting the parties' stipulation to stay discovery pending a settlement conference. The court further scheduled a settlement conference in an Order (ECF No. 37) entered July 1, 2016, and set a settlement conference for September 14, 2016.

On August 18, 2016, the District Judge Andrew P. Gordon entered an Order (ECF No. 42) denying without prejudice the Motion to Dismiss (ECF No. 17), vacating the settlement conference, and administratively staying the action until the Ninth Circuit issued the mandate in *Bourne Valley Court Trust v. Wells Fargo Bank* in Case No. 15-15233 (2:13-cv-649-PMP-NJK).

In the instant motion, Defendant Saticoy Bay requests that the court vacate the stay and reset the settlement conference. Saticoy Bay maintains that the only issue remaining in this case is a payoff amount which they have been attempting to get since December 2014, but defendant

1 has failed to provide. The settlement conference was initially obtained in an attempt to obtain a
2 payoff amount and get this case dismissed.

3 Plaintiff BANA responds that there is no need for the parties or to court to expend
4 resources attending a settlement conference if Saticoy Bay is only seeking a payoff amount as
5 BANA provided a payoff statement on August 30, 2016. However, BANA has no objection to
6 attending a settlement conference in the next several weeks if its out-of-state counsel can attend
7 telephonically. Alternatively, if in-person appearance is required, BANA requests the court set
8 out the settlement conference several months from now to allow the parties time to informally
9 discuss settlement and coordinate travel schedules.

10 The HOA opposes lifting the stay as to conducting further discovery or motion practice
11 as it would be contrary to the purpose of the stay, but has no objection to a settlement
12 conference. As Saticoy's request is directed at BANA, the HOA requests that the insurance
13 adjuster need not be personally attend the settlement conference. Alternatively, if the insurance
14 adjuster's presence is needed, the HOA requests a couple of months of time for the settlement
15 conference.

16 Having reviewed and considered the matter,

17 **IT IS ORDERED** that a telephonic hearing is set for **9:30 a.m., September 29, 2016**. Counsel
18 are instructed to call Jeff Miller, Courtroom Deputy, at (702) 464-5420 **before 4:00 p.m.,**
19 **September 27, 2016**, to indicate the name of the party participating and a telephone number
20 where that party may be reached. The courtroom deputy will initiate the call.

21 Dated this 22nd day of September, 2016.

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24 PEGGY A. TEEN
25 UNITED STATES MAGISTRATE JUDGE
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